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INFO RUCNRAQ/IRAQ COLLECTIVE

C O N F I D E N T I A L SECTION 01 OF 03 BAGHDAD 000329

SIPDIS

E.O. 12958: DECL: 02/07/2019
TAGS: [PGOV](#) [KCOR](#) [KDEM](#) [PINR](#) [IZ](#)
SUBJECT: UPDATE ON CONSULTATIONS WITH ANTI-CORRUPTION
OFFICIALS

REF: A. BAGHDAD 240
[1](#)B. BAGHDAD 101

Classified By: JOSEPH STAFFORD, ANTI-CORRUPTION COORDINATOR, REASON 1.4
(B AND D)

SUMMARY

[1](#)1. (C) Anti-Corruption Coordinator (ACC) and staff recently paid introductory calls separately on Iraq's top judicial official, Judge Medhat Al-Mahmoud, Interior Ministry Inspector General (MOI IG) Akeel Saeed, and Deputy Prime Minister Barham Salih's Office Director, Sirwan Ibrahim. Judge Medhat portrayed corruption in Iraq as even more widespread following Saddam's overthrow, but defended the original *raison d'etre* for a controversial legal measure -- 136(B) of the Criminal Procedural Code -- used by ministers to prevent criminal prosecutions of their staff. IG Akeel portrayed himself as a champion of successful anti-corruption efforts at MOI, but, according to other contacts, his actual record is far less impressive. Office Director Sirwan, associated with the Patriotic Union of Kurdistan Party, said much more needed to be done to combat corruption in Kurdistan. To underscore that the U.S. matches its words with deeds in battling corruption, ACC used these meetings to distribute material, prepared by the Office of the Special Inspector for Iraq Reconstruction (SIGIR), listing American officials and others convicted of corruption in connection with projects here. END SUMMARY.

MEETING WITH CHIEF JUSTICE

[1](#)2. (C) Judge Medhat, Chief Justice of Iraq's Federal Supreme Court and President of the Higher Judicial Council, described corruption in Iraq as widespread and, if anything, even more so at least in the initial years following Saddam's overthrow, saying the ensuing "political vacuum" allowed officials to engage in corrupt practices with impunity. He acknowledged that, as Iraq's post-Saddam state institutions developed, the "culture of impunity" surrounding corruption was diminishing somewhat, but predicted that it would likely remain a major problem in Iraq for some time. He went to lament that the failure of Iraq's executive branch to implement judicial orders (e.g., instances of the police ignoring arrest warrants) hampered the judiciary's contribution to anti-corruption efforts as did the weakness of anti-corruption institutions, in particular, the Commission on Integrity (COI). (NOTE: Judge Medhat is not alone in criticizing the COI; Ref A reports a senior investigating judge's criticism. END NOTE)

[1](#)3. (C) ACC noted the Commission on Integrity's recent announcement that the judiciary issued 87 convictions on anti-corruption charges in 2008 (Ref B), adding that we had found it difficult to obtain details on these cases. He urged the judiciary to have its decisions made public so that the citizenry would be aware that persons engaging in corrupt

practices were being brought to account. Judge Medhat agreed that publicizing convictions was desirable and indicated that judges would be willing to provide information to the media on convictions. However, he added, it was up to the media to approach judges for information on their decisions, as the judiciary's need to uphold its "dignity" ruled out its "rushing after journalists" to get them to publish verdicts.

14. (C) Judge Medhat was asked about prospects for repeal of the controversial criminal procedure code provision, 136(B), authorizing ministers to halt prosecution of their respective ministries' personnel for corruption and other crimes. In response, he asserted that this provision originated prior to Saddam's rule, during the monarchical period (which ended in 1958) and was designed for the legitimate purpose of insulating government officials from politically-motivated criminal prosecution in the performance of their duties. Unfortunately, he continued, over time this provision had become a means by which ministers could evade responsibility for their and subordinates' involvement in corruption and other illegal practices. Elaborating, he explained if ministers themselves were involved in corruption they would rely on 136(B) so as to ensure that subordinates would not face judicial proceedings in which they could be expected to reveal their ministers' own misdeeds. Judge Medhat stated that, to protect officials from politically-motivated corruption allegations while ensuring those responsible for abuses were brought to account, he had proposed to the then-Prime Minister a compromise several years ago: 136(B) would remain in effect, but government prosecutors would have the right to go to court to challenge ministers' resort to this provision in specific cases. Judge Medhat indicated

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that the then-Prime Minister had not accepted this compromise proposal, but that he (Judge Medhat) still favored such a solution to the 136(B) dilemma.

DISCUSSION WITH MOI IG

15. (C) MOI IG Akeel maintained that corruption within his ministry was on the decline, remarking that he had personally given priority to strengthening his office's mechanisms for ferreting out and investigating evidence of corruption. Asked about the number and nature of anti-corruption cases forwarded by his office to the MOI courts, he stated such details would be contained in the annual MOI IG report that would be published "in the near future." (NOTE: Unlike other ministries, the MOI and Defense Ministry have their own court systems -- established in 2007-08 -- for criminal cases involving the ministries' employees. END NOTE) In response to query, IG Akeel stated that coordination between the MOI and anti-corruption institutions -- in particular, COI and Bureau of Supreme Audit (BSA) was good. He said the MOI, when it came up with evidence of corruption by persons other than MOI personnel, shared that evidence with the COI for further investigation and prosecution. As for the BSA, he continued, the MOI routinely granted it access to the ministry's financial records for auditing.

16. (C) Akeel was asked about the implications for his office of the expansion of Provincial Councils' powers -- including oversight of MOI's provincial-level operations -- under a new law taking effect with the seating of the new councils elected January 31. Akeel responded that the enhanced authority of Provincial Councils should have no significant impact on MOI IG operations; as before, MOI IG headquarters in Baghdad would provide oversight but rely on its branch offices in the provinces to investigate and prosecute corruption-related offenses by local MOI personnel. Akeel responded defensively when asked about "political pressures" complicating his efforts to investigate corruption cases in his ministry, flatly denying that he faced such pressures. (NOTE: IG's in other ministries often complain of pressures

from their ministers as well as "political parties" to refrain from pursuing corruption cases. END NOTE)

DEPUTY PRIME MINISTER'S OFFICE DIRECTOR

17. (C) DPM Barham Salih's office director, Sirwan Ibrahim, asserted the GOI's and Salih's strong personal commitment to battling corruption, citing the GOI's 18-point plan unveiled in January 2008 (Ref B) as well as its subsequent ratification of the UN Convention against Corruption (UNCAC) and joining the Extractive Industry Transparency Initiative (EITI). ACC noted that the DPM, in his December 28 meeting with the Ambassador, had spoken of convening a meeting of representatives of the GOI, Council of Representatives (COR), and civil society to discuss Iraq's obligations under UNCAC and EITI (Ref B). When ACC asked whether a date had been set for this gathering, Sirwan was evasive, saying only that the GOI "would ensure" that it met its obligations under these agreements. He went on to note the draft laws in the works to reform the BSA, COI, and IG institution along with a comprehensive anti-corruption (AC) law, saying he expected their passage by the COR "within a few months." (COMMENT: The actual status of these draft laws in the legislative process remains unclear, and predictions of passage "within a few months" may well prove too optimistic. END COMMENT)

18. (C) Sirwan readily acknowledged that much more needed to be done in Kurdistan (KRG) to combat corruption. He said Qbe done in Kurdistan (KRG) to combat corruption. He said that none of the national AC institutions -- BSA, COI, IG's -- had a presence in KRG, although an agency similiar to the BSA was operating there. He urged ACC and staff to visit the KRG to assess the extent of corruption there and consider ways of promoting AC-related cooperation with KRG authorities. ACC responded that we would look for an early opportunity to visit.

U.S. MATCHES WORDS WITH DEEDS ON CORRUPTION

19. (C) ACC used these meetings to distribute a list of American citizens, official and private, convicted in U.S.courts in recent years on corruption charges in connection with U.S. reconstruction projects in Iraq. The list, which provided details on the nature of the charges, date of conviction, and sentence meted out in each case, was issued by the Office of the Special Inspector for Iraq Reconstruction (SIGIR). Our Iraqi interlocutors expressed appreciation for this information; Judge Medhat said he would arrange for this information to be posted on the HJC's

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website. They also agreed that SIGIR's roster of convictions was solid evidence that the U.S. matched its words with deeds regarding the importance of bringing to account officials and others engaged in corrupt practices.

COMMENT

110. (C) Judge Medhat is reputedly a fervent defender of the rule of law and the judiciary's institutional interests. His take on 136(B) was noteworthy; rather than supporting its abolition, as do others in the judiciary and elsewhere, he maintained that its original intent -- to protect officials from politically-motivated criminal prosecution -- remained valid. Also noteworthy was his proposed compromise solution designed to prevent ministers from abusing this measure so as to shield themselves from prosecution for corruption. We note, in this respect, that draft legislation to repeal 136(B) is in circulation, but prospects for passage are uncertain. While IG Akeel presented himself as a champion of anti-corruption efforts at the MOI, other sources state that his actual achievements are far less impressive and that the

credit for progress on AC at MOI should go to others, notably the Office of Internal Affairs under Maj Gen Ahmed Al-Taha. Sirwan's evasive response on arrangements for the kind of AC-related gathering on UNCAC and EITI mentioned by DPM Barham in December suggests that it may be some time before the event materializes. END COMMENT
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